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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.        | CONFIRMATION NO.       |
|--|-------------|----------------------|----------------------------|------------------------|
| 10/775,188   | 02/11/2004  | Yasunori Ohta        | Q79790                     | 1637                   |
| 23373 7590 02/06/2008<br>SUGHRUE MION, PLLC<br>2100 PENNSYLVANIA AVENUE, N.W.<br>SUITE 800<br>WASHINGTON, DC 20037 |             |                      | EXAMINER<br>ZHENG, JACKY X |                        |
|  |             |                      | ART UNIT<br>2625           | PAPER NUMBER           |
|  |             |                      | MAIL DATE<br>02/06/2008    | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/775,188

**Applicant(s)**

OHTA ET AL.

**Examiner**

Jacky X. Zheng

**Art Unit**

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on February 11, 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on February 11, 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/11/2004 &amp; 12/04/2007</u> .                              | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This is the initial office action based on the application filed on February 11, 2004.

#### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on February 11, 2004 and December 4, 2007 were filed on and/or after the mailing date of the application on February 11, 2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Specification***

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

#### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 1-6** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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7. Claim 1 recites the limitation of “*printing preparation start timing*”. Such a limitation has not been *explicitly* depicted with sufficient descriptions in the instant claim, which will allow one of ordinary skill in the art to clearly indicate or define the differences among the other “times” (such as: transfer time, a printing preparation time for printing preparation of recording sheet, the time of completion of the printing preparation of the recording sheet, and etc.) claimed in the instant claim. The scope of such a limitation is unable to be clearly determined considering the mere recitation of *intended usage* of “*printing preparation start timing ... enables the time of completion of transfer of the image data and time of completion of the printing preparation of the recording sheet to be synchronized*” without rather depicting how “*printing preparation start timing*” is being calculated, determined and/or defined in the claim. For purpose of advancing the prosecution, such a limitation of “printing preparation starting timing” is presumed and interpreted by Examiner for purpose of consideration over the prior art(s), to be a pre-calculated or pre-determined point of time to start printing preparation of the recording sheet, and such a point of time further allowing the completion of both transferring of the image data, and printing preparation of recording sheet to be synchronized (or at approximated same time). Further clarification is respectfully requested for purposes of properly determining the metes and bounds of such a limitation in future prosecution. This issue also affects the corresponding dependent claims 2-6.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1-6** are rejected under 35 U.S.C. 103(a) as being unpatentable over **JP 10058798**

(Published on March 3, 1998, hereinafter refer as "**Takenaka**", and following discussion will be referring to English translation of abovementioned Japanese publication, provided in record).

**With regard to claim 1**, the claim is drawn to a print system comprising: at least two image data outputting apparatuses and one printer that prints images based on image data transferred from the at least two image data outputting apparatuses (*see Page 1, lines 1-19 in Specification of instant application, admitted the systems with such setting are "conventional" and "known"; also see Figure 15 in Takenaka*); and control means that controls printing preparation of the recording sheet in the printer based on the transfer time (*see Takenaka, i.e. Paragraph [0016], discloses "control means for activating the output mechanism of the printer based on the recording start timing determined by the determination means"*), required for the transfer of the image data when the image data is transferred from each image data outputting apparatus (*see Takenaka, i.e. Paragraph [0016], discloses "determining a recording start timing ... based on the transfer time estimated by the estimation means..."*, so activating of the output mechanism is indirectly based on "the transfer time" estimated as "the recording start timing" is determined and based on "the transfer time"), and a printing preparation time required for printing preparation of the recording sheet for printing the images based on the image data (*see Takenaka, i.e. Paragraph [0015] discloses "a determination means for determining a recording start timing at which the bit image is sent to an output mechanism of a printer based on the processing time estimated by the estimation means"*) printing preparation start timing is obtained

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that enables the time of completion of transfer of the image data and the time of completion of the printing preparation of the recording sheet to be synchronized (see Takenaka, i.e. Paragraph [0016] discloses “a recording start timing at which the bit image is sent to an output mechanism of a printer based on the transfer time estimated by the estimation means; and Paragraph [0015] discloses “a determination means for determining a recording start timing at which the bit image is sent to an output mechanism of a printer based on the processing time estimated by the estimation means”); and the printing preparation of the recording sheet is started at the above-described printing preparation start timing (see Takenaka, i.e. Paragraph [0016] discloses “a control means for activating the output mechanism of the printer based on the recording start timing...”).

**With regard to claim 2**, the claim is drawn to the print system according to claim 1, wherein the control means calculates and obtains the transfer time based on information sent from the image data outputting apparatus when the image data is transferred from each image data outputting apparatus (see Takenaka, i.e. Paragraph [0024] - [0045], disclose time estimation based on various different attribute information).

**With regard to claim 3**, the claim is drawn to the print system according to claim 1, wherein: transfer time information indicating the transfer time of the image data of the image data outputting apparatus is input and stored in the control means in advance (see Takenaka, i.e. Paragraph [0005], discloses “print information PI sent from a client is inputted ... converting the print information PI to bit image information BI of a type required by the recording unit ...the bit image information BI is also stored in a hard disk unit”; also see Figure 17 and Paragraphs [0050] -[0052]).

**With regard to claim 4**, the claim is drawn to the print system according to claim 1, wherein: the control means obtains a difference time between the transfer time and the printing preparation time (see *Takenaka*, i.e. Paragraph [0055] discloses "the determination means 25 determines the activation timing based on a remaining time obtained from the newly calculated transfer time ... the steps Sc4 to Sc6 are repeated until the remaining time falls within the start-up time of the printing section (obviously by comparing a difference, if no difference existed in comparing, then the time falls within the section)..." and when the transfer time is longer than the printing preparation time (see *Takenaka*, i.e. Paragraph [0055] discloses "if the raster data size is large and the remaining time required for receiving all of the raster data from the present time is longer than the start-up time, which is the time period from the time ..."), the printing preparation of the recording sheet is started after a period of time equivalent to the difference time has passed from a transfer start time of the image data (see *Takenaka*, i.e. Paragraph [0055]-[0056], discloses "... when the remaining time falls within the start-Up time of the printing section, the determination section 25 instruct the activation timing to the output control means..");

**With regard to claim 5**, the claim is drawn to the print system according to claim 2, wherein: the control means obtains a difference time between the transfer time and the printing preparation time; and when the transfer time is longer than the printing preparation time, the printing preparation of the recording sheet is started after a period of time equivalent to the difference time has passed from a transfer start time of the image data (*The claim is rejected under the same ground for at least the reasons set forth above. See the detailed discussion of the claim 4 above*).

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**With regard to claim 6**, the claim is drawn to the print system according to claim 3, wherein: the control means obtains a difference time between the transfer time and the printing preparation time; and when the transfer time is longer than the printing preparation time, the printing preparation of the recording sheet is started after a period of time equivalent to the difference time has passed from a transfer start time of the image data (*The claim is rejected under the same ground for at least the reasons set forth above. See the detailed discussion of the claim 4 above*).

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacky X. Zheng whose telephone number is (571) 270-1122. The examiner can *normally* be reached on Monday-Friday, 8:30 a.m. - 5 p.m., Alt. Friday Off.

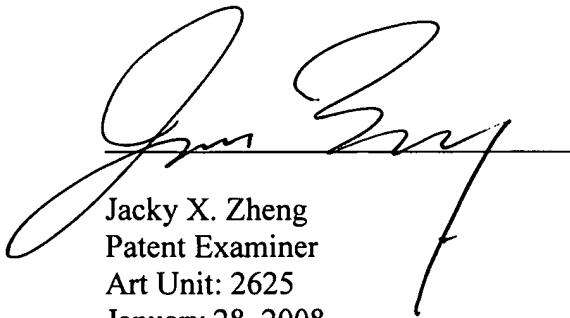
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler M. Lamb can be reached on (571) 272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would




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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jacky X. Zheng  
Patent Examiner  
Art Unit: 2625  
January 28, 2008



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